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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,036	05/12/2005	Jurgen Bieber	2002P17457WOUS	2389
7590 Siemens Corporation Intellectual property Department 170 Wood Avenue South Iselin, NJ 08830		EXAMINER NILANONT, YOUPAPORN		
		ART UNIT 2446	PAPER NUMBER	
		MAIL DATE 01/16/2009		DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/535,036	BIEBER, JURGEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	YOUNPAPORN NILANONT	2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 November 2008.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 9,17 and 23-25 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 9,17 and 23-25 is/are rejected.
- 7) Claim(s) 24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 November 2008 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

Claims 9, 17, and 23-25 are pending in this Office Action.

Claims 9, 17, and 23 are amended.

Claims 1-8, 10-16, 18-22, and 26 are cancelled.

The objection to the drawings with regards to descriptive legends is withdrawn based on applicant's drawings submitted on November 5, 2008.

The objections to the specification and the claim in previous Office Action are withdrawn based on applicant's amendment.

The rejection under 35 USC §112 2<sup>nd</sup> paragraph is withdrawn in light of applicant's amendment and cancellation to the claims.

### ***Response to Arguments***

1. Applicant's arguments filed in the amendment on November 5, 2008 have been considered but are moot in view of the new ground(s) of rejection. The reasons set forth below.

### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Construction***

3. The preamble of claim 9 which reads "of the type including multiple functions relating to production...and automation" recites intended use of the invention itself and does not impose any functionality for the claimed invention nor is there anything in any of the claims that requires the invention to be used only in a particular system type.
4. Furthermore, the various types of devices such as "an automation device," "an ERP device," and "an MES device" as cited in claim 9 do not impose any functionality for the claimed invention nor is there anything in any of the claims that requires the data to be coming from any particular device.
5. Therefore, there is no reason to believe that the invention as claimed should be found patentably distinct merely because of the type of device it receives data from or which environment it is in (see MPEP 2106 (II) and 2111.04). Therefore, the types of devices or system's environment are non-functional and have not been given any patentable weight. In the discussion of the claims below, this material has been placed in double square brackets indicating that, even though they have not been given any patentable weight, they have been fully considered.

***Specification***

6. The abstract of the disclosure is objected to because it recites "device is permits a user" which should be --device permits a user--. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

7. Claim 24 is objected to because of the following informalities: Claim 24 is cited as depending on claim 21 which has been cancelled. For purposes of examination, claim 24 has been construed as a dependent claim of claim 17. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 9, 17, and 23-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

10. **Regarding claim 9**, it recites a mechanism "for providing a uniform, central access to all data sources" in which no description has been provided in the specification. Applicant has not enabled unqualified access to **all** data sources as recited in the claim. If this was applicant's intention, the specification is inadequate. For purposes of examination, "**all data sources**" has been construed as said various data sources as cited in the first line of this claim.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 17 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claims 17 and 23-25 recite the limitation "device as claimed" in claim 9, 17, 21, and 9, respectively. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, "device as claimed" has been construed as "system as claimed" in the claims that claims 17 and 23-25 are depending from.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 9, 17, and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Melchione et al. (US 5,966,695).

16. **Regarding claim 9**, Melchione teaches a system (figure 1, column 5 lines 51-54 “system...internal and external sources”) [of the type including multiple functions relating to production, including Enterprise Resource Planning (ERP), maintenance and automation], configured to provide access to data from a plurality of data devices within the system (figure 1 “Feeds 21-25”, column 10 lines 53-56 “variety of source feeds 21-25” and “feeds 21 and 22 from within the financial institution...”), [the data devices including an automation device, an ERP device, and an MES device], the system comprising:

A central access device having interface connections to receive data from each of the data devices (figure 1 “central database 10”, column 10 lines 26-33, 41-42, and 53-56), wherein the central access device comprises

mechanisms for providing a uniform, central to all data sources (column 10 lines 34-39 “standardizing...householding...”) and uniform visualization of the data in the data sources (column 21 lines 55-64 “for generating a graphic user interface...downloads a local copy of all the tables and structures from the central database 10”), the central access device including

a restricted access administration device (figure 2 “security database 30”) providing role-based access for each of multiple users so that each user is enabled to access data from predetermined devices without being able to access data of other devices (column 11 lines 31-33 and 44-48),

the central access device further including a visualization device (figure 2 "workstation 12") having a plurality of portal modules enabling data fetched from different devices (figure 5A-5G) to be viewed simultaneously in a visualization window (column 13 lines 1-3 and 6-7 "accounts for the same household...account tables and utilize merge...provide the output").

17. **Regarding claim 17**, Melchione teaches the device as claimed in claim 9, wherein the central access device includes a data acquisition device (figure 2 "workstation 12") for assembling data from the plurality of data devices (figure 1 "feeds 21-25", column 10 lines 27-33 and 53-56) in accord with the role-based access of each user (column 11 lines 44-48 and 53-55, figure 5).

18. **Regarding claim 23**, Melchione teaches the device as claimed in claim 17, wherein the data acquisition device accesses the various data devices in a manner controlled by the restricted access administration device (column 11 lines 44-48 and 53-55, figure 5), acquires data therefrom and provides this data for display in the visualization window (figures 5A-5G).

19. **Regarding claim 24**, Melchione teaches the device as claimed in claim [21], wherein the data acquisition device that accesses the various data sources in a manner controlled by the access administration device (column 11 lines 44-48 and 53-55, figure 5) and acquires data from the data sources, where in the data acquisition device makes the data available to the visualization device (figures 5A-5G)

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione et al. (US 5,966,695) in view of Ghannam et al. (US 2002/0188584).

22. **Regarding claim 25**, Melchione teaches the device as claimed in claim 9. The Melchione does not explicitly teach a polling device configurable by users. However, Ghannam discloses a polling device which is configurable by users (Ghannam, figure 9, “policy creation”) in order to acquire data cyclically from the various data sources (Ghannam, figure 9 “schedule frequency”) and to evaluate the data in such a way that upon attainment of a criterion configurable by users a corresponding message is automatically generated (Ghannam, [0063] lines 4-8).

It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have employed the polling device as taught in Ghannam to periodically gather data from data sources of Melchione in order to allow the user to monitor data such as financial portfolio's current status.

### ***Remarks***

Applicant has amended claims 9, 17 and 23, and cancelled claims 1-8, 10-16, 18-22 and 26 to address the rejections in previous Office Action.

With regards to the amended claims 9, 17, 23 and the remaining claims, see the rejections above.

***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUPAPORN NILANONT whose telephone number is (571) 270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 8:30 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. N./  
Examiner, Art Unit 2446

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2446